

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Brockwell & Carrington, Contractors, Inc.

IN RE:

KIMO TILE @ MARBLE, LLC

Debtor

Case No.: 24-20009 (JNP)

Chapter 11 Proceeding

LIMITED OBJECTION TO CONFIRMATION OF
CHAPTER 11 BANKRUPTCY PLAN

PLEASE TAKE NOTICE that Interested Party, Brockwell & Carrington Contractors, Inc. (“Brockwell”), by and through its counsel Brach Eichler LLC (Stuart J. Polkowitz, Esq. appearing), hereby tenders its Objection to the confirmation of the Chapter 11 Bankruptcy Plan (the “Plan”) of debtor Kimo Tile & Marble, LLC (“Debtor”) for the following reasons.

1. Brockwell is a general contractor and counterparty to several ongoing executory contracts with the Debtor, including the following executory contracts:

- CCM (County College of Morris – Culinary);
- CTC Morris (Career Training Center)
- RPL (Roselle Public Library)
- SSC (Secaucus Senior Center)

2. The Debtor has performed on its contractual obligations to date, but there is retainage held on each of the contracts for the Debtor. Additionally, the Debtor has obligations to perform and complete its scope of work on one, or more, of the executory contracts identified above, including any punch list work requested for completion by the project owner.

3. The Debtor's plan does not call for the assumption or rejection of these executory contracts.

4. We have contacted Debtor's counsel and secured from Debtor's counsel an agreement to submit a modified Chapter 11 plan calling for the assumption of each of the agreements specified above. However, no such modification has been filed by the Debtor.

5. It is the undersigned's understanding there are upcoming negotiations scheduled between Debtor and certain creditors involving participation of the Subchapter V Trustee; and Debtor's counsel's plan, and preference, is to submit a single amended plan (as opposed to piecemeal submissions) upon conclusion of the ongoing negotiations with such certain creditors.

6. Accordingly, Brockwell respectfully submits this Objection to the confirmation of the Debtor's Chapter 11 (Subchapter V) plan, subject to modification to confirm the Debtor's agreement on the assumption of the executory contracts with Brockwell as agreed to by the parties.

Dated: February 12, 2025
Roseland, New Jersey

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BY: /s/ Stuart J. Polkowitz, Esq.
Stuart J. Polkowitz, Esq.